

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Boucher et al.

Group Art Unit: Unknown

Serial No.: Unknown

Examiner: Unknown

Filed: 11 July 2003

For: Expandable Preformed Structures for Deployment in Interior Body Regions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN  
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION  
(37 CFR 1.97(b))**

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION  
DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

NOTE: "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

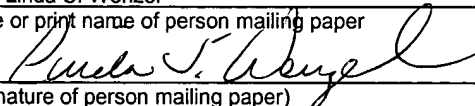
**CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below as Express Mail Label No. EV 317559021 in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Linda S. Wenzel

Type or print name of person mailing paper

Date: 11 July 2003

  
(Signature of person mailing paper)

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

**COPIES OF THE DOCUMENTS LISTED ON THE ATTACHED FORM PTO-1449 CAN BE FOUND IN THE FILE WRAPPER OF PARENT APPLICATION SERIAL NO. 09/420,529 FILED 19 OCTOBER 1999 AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION.**

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 11 July 2003

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Signature of Attorney of Record

Patricia A. Limbach

Type or Print Name of Attorney of Record

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LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO. <b>15103-CIP DIV</b>	SERIAL NO.
	APPLICANT <b>Boucher et al.</b>	
	FILING DATE <b>11 July 2003</b>	GROUP

### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (if Appropriate)
	5,108,404	04/28/1992	Scholten et al.			
	2,849,002	08/26/1958	Oddo			
	3,154,077	10/27/1964	Cannon			
	3,640,282	02/08/1972	Kamen et al.			
	3,889,685	06/17/1975	Miller Jr. et al.			
	4,327,736	05/04/1982	Inoue			
	4,983,167	01/08/1991	Sahota			
	5,352,199	10/04/1994	Tower			
	5,415,635	05/16/1995	Bagaoisan et al.			
	5,587,125	12/24/1996	Roychowdhury			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation	
							Yes	No
		0 135 990	09/26/1990	EP Patent Specification				
		0 274 411	07/13/1988	EP Patent Application				
		0 318 919	01/19/1994	EP Patent Specification				
		0 355 937	11/29/1995	EP Patent Specification				
		0 362 826	05/28/1997	EP Patent Specification				
		0 410 072	01/30/1991	EP Patent Application				
		0 420 488	07/21/1993	EP Patent Specification				
		0 436 501	04/21/1993	EP Patent Specification				
		WO96/39970	12/19/1996	PCT Publication				
		WO97/40877	11/06/1997	PCT Publication				
		WO95/20362	08/03/1995	PCT Publication				
		0 439 202	09/29/1993	EP Patent Specification				
		WO92/19440	11/12/1992	PCT Publication				



LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO. 1759.15103-CIP DIV	SERIAL NO.
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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (if Appropriate)
	D 439,980	03 Apr 01	Reiley et al.			
	3,648,294	Mar 72	Shahrestani			
	3,850,176	Nov 74	Gottschalk			
	4,261,339	14 Apr 81	Hanson et al.			
	4,292,974	06 Oct 81	Fogarty et al.			
	4,338,942	Jul 82	Fogarty			
	4,402,307	06 Sep 83	Hanson et al.			
	4,467,790	28 Aug 84	Schiff			
	4,531,512	30 Jul 85	Wolvek et al.			
	4,917,088	17 Apr 90	Crittenden			
	4,969,888	13 Nov 90	Scholten et al.			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		0 383 794	08 Jun 94	EP			
		0 566 684	18 Jun 97	EP			
		WO 98/56301	1998	PCT			
		WO 99/29246	17 Jun 99	PCT			
		WO 00/37212	29 Jul 99	PCT			
		WO 99/51149	14 Oct 99	PCT			
		WO 99/62416	09 Dec 99	PCT			
		WO 01/28439	26 Apr 01	PCT			
		WO 01/76514	18 Oct 01	PCT			

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,102,390	07 Apr 92	Crittenden et al.			
	5,104,376	14 Apr 92	Crittenden			
	5,295,994	Mar 94	Bonutti			
	5,972,015	26 Oct 99	Scribner et al.			
	6,048,346	11 Apr 00	Reiley			
	6,066,154	23 May 00	Reiley et al.			
	6,235,043	22 May 01	Reiley et al.			
	6,241,734	05 Jun 01	Scribner et al.			
	6,248,110	19 Jun 01	Reiley et al.			
	6,379,373	Apr 02	Sawhney et al.			
	6,383,212	May 02	Durcan et al.			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)


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Customer No. 26308

### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,848,344	18 July 89	Sos et al.			
	5,766,151	16 Jun 98	Valley et al.			
	5,827,298	27 Oct 98	Reiley et al.			
	5,938,582	17 Aug 99	Ciamacco, Jr. et al			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

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